

Re Sgt. Hauer.

Mr. President and members of the Court,  
Firstly, I would like to call the court's attention to the evidence of Major Clark and C. S. M. Brown both very well qualified to judge the ability of a soldier. According to their evidence the accused possesses exceptional ability as a N.C.O. and his usefulness to the British Army as a N.C.O. is thus lost, especially at the present time.

Secondly, I would like you to take into consideration what I consider to be the two chief mitigating factors in this case: the accused was definitely under the influence of liquor. He was not the normal self. Had he not been drinking, of course, the circumstances which led up to the lodging of the charge would never have occurred. Furthermore, the accused tells me and I believe him that he is thoroughly dependent on his unit and he tends to enjoy them. Especially so, now that he is in taking a active part in the period of peace and his friends, and soldiers he has trained with at now in battle. I would refer you to the evidence of J. G. Latta and J. G. Latta where they state the accused said "I want to stop and eat and die like a rat." This I think gives an angle evidence of his state of mind.

The accused under the influence of liquor, felt that he was not being treated by the court with the consideration due a N.C.O. and thus I submit led to his refusal.

Chap.